

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: NEW CINGULAR WIRELESS
PCS, LLC, DATA SERVICES SALES
TAX REFUND LITIGATION,

CASE NO. MD13-2485-JCC

ORDER ON STIPULATED MOTION
TO STAY LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS.

This matter comes before the Court on the parties' stipulation and proposed order to stay litigation. (Dkt. No. 7.) Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the motion for the reasons explained herein.

IT IS HEREBY ORDERED THAT:

1. Pending final and non-appealable resolution of the appeal in *New Cingular Wireless PCS LLC v. The City of Bothell, et al.*, Case Nos. 12-2-15031-1 SEA, 70810-4-I, all motions and discovery shall be stayed, subject to the following exceptions.

2. Defendants Clyde Hill, Federal Way, Kennewick, Renton, and Spokane may conduct discovery limited to witnesses, documents and facts relevant to exhaustion of administrative remedies. The scope of the above-named Defendants' discovery shall be limited to the facts relevant to Plaintiff's alleged failure to exhaust administrative remedies and defenses

1 the Plaintiff raises for its alleged failure to exhaust administrative remedies. The above-named
2 Defendants may propound interrogatories, requests for admission and requests for document
3 production to identify those defenses, facts relevant to those defenses, and facts relevant to
4 plaintiff's alleged failure to exhaust administrative remedies and then may conduct depositions
5 relating to those facts and defenses, without prejudice to conducting depositions of the same
6 witness with respect to issues other than as set forth above.

7 3. Plaintiff may conduct discovery of the above-named Defendants related to
8 exhaustion of administrative remedies. The scope of Plaintiff's discovery shall be limited to (a)
9 the Defendants' procedures for reviewing and responding to utilities tax refund applications; (b)
10 facts relating to the Defendants' review of the Plaintiff's tax refund applications; (c) facts
11 relating to the Defendants' response to the Plaintiff regarding its tax refund applications; and (d)
12 the administrative appeal procedures the Defendants contend are applicable to the Defendants'
13 response to the Plaintiff's tax refund applications. Plaintiff may promulgate interrogatories and
14 requests for document production relating to these topics, and then may conduct depositions
15 relating to the topics, without prejudice to conducting depositions of the same witness with
16 respect to issues other than as set forth above.

17 4. The duration of the stay shall be excluded from any interest calculation.

18 5. All remaining Defendants, other than those named in paragraph number 2 above,
19 retain the right to bring any and all relevant motions in the future, after the stay is lifted,
20 including motions to dismiss based upon failure to exhaust administrative remedies.

21 6. No Defendants waive any motions or defenses as a result of this Order.

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1 DATED this 25th day of February 2014.

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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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